

# Sham Recycling

Tyler Ginn  
LDEQ

# What is Sham Recycling?

Sham recycling is defined as managing a hazardous waste in a manner that constitutes disposal in lieu of a legitimate form of recycling.

# Criteria for Sham Recycling

**RCRA lists five instances, each of which constitute evidence of sham recycling.**

- The first is where the secondary material is ineffective or marginally effective in the process or product.
- Next, sham recycling is evident when the secondary material is used in excess of the amount necessary.
- The third evidence is when no records are kept on the secondary material.
- The fourth instance is when no care is taken to prevent the loss of the secondary material used as a feed stock.
- Lastly, sham recycling is evident when the secondary material contains more contamination than the original feedstock material.

# Facility Description

Britt Kennedy Signs uses the print screen process to print advertisements onto corrugated plastic. The design is created on a master screen using a photo sensitive gel that produces a negative image. The master screen is then placed against the media to be printed, and the ink forced through the master screen onto the receiving media.

**FREE MIXED  
UGLY PAINT  
FREE USED  
THINNER**

**WHEN AVAILABLE**

**748-8183**

**BRITT KENNEDY SIGNS**

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# Operations at the Site

- The master screens are hand washed using solvent stored in an open vat. The spent solvent and ink is collected in an open vat for reuse.
- The sludge in the vat is occasionally removed and placed into 55-gallon containers. These containers sit for several days to allow the solids to settle out.
- The top layer of solvent is transferred back into the vat for reuse. The bottom layer of solids is transferred to 5-gallon container. Eventually, the solvent becomes too saturated for reuse.

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USED PAINT THINNER  
TO BE REUSED OR  
RECYCLED

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# Is the secondary material effective?

- According to the manufacturer, the “mixed ugly paint” is actually a solvent based **screen printing ink** designed to be applied onto corrugated plastic. These inks are a poor substitute for new paint since the inks are intended to be applied to corrugated plastic.
- The used solvent is formulated to work with the screen printing ink. So, the solvent may not be effective for other applications. Due to contamination, the solvent may not be as effective as new solvent for any application.

# Is the secondary material is used in excess?

- The ink solids have been saturated with solvent and is not intended for use on surfaces other than plastic. So, it would probably take several coatings.
- Since the spent solvent is already contaminated, it would likely take more “used solvent” for a painting job than it would with pure solvent.

## Are records are kept on the material?

- The facility had no records of anyone taking the free ugly paint or used thinner.
- A pallet of ugly paint was stolen from the facility the day before our follow up inspection.
- No police report was filed for the theft.

# Is the material handled like a viable product?

- New inks and solvents are stored in closed containers inside an enclosed building.
- The material removed from the vat is stored in open containers that are covered with corrugated plastic.
- The ugly paint and used thinner is stored outside in closed, 5-gallon containers.





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# Does the secondary material contain more contamination?

- Yes...and No
- The ink solids are contaminated with other inks and solvent. The facility admits the mixture is ugly, and the aesthetics should not matter.
- Obviously, the used solvent contains more contamination than new solvent

# What now?

- All of the ugly paint and used thinner is fully regulated as hazardous waste (F003).
  - Need HW labels
  - Must be closed
  - Must transfer material from damaged containers into good containers.
- The criminal case is still pending.

# The end?

- Not yet – The ugly paint and used thinner was actually dumped on a concrete slab down the road from the facility.
- According to the owner, he is painting an advertisement for his company that will be visible by airplanes. The advertisement is not complete.



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# More violations...

- Transporting HW without a manifest.
- Transporting HW to a facility that has received an EPA ID#.
- Improper disposal of a HW.